IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 352 OF 2006
IN
CRIMINAL APPEAL NO. 690 OF 2005

Balasaheb Tukaram Donukshe ..Applicant
(Ori.Appellant)

versus

State of Maharashtra ..Respondents

Mr. B. R. Patil, for the Applicant - Appellant.
Mr. V. B. Konde - Deshmukh, APP for the Respondents - State.

CORAM : D. G. DESHPANDE, &
V. K. TAHILRAMANI,JJ.

DATE : 24TH MARCH, 2006

P.C. :

1. Heard.

2. This is an application by the applicant - accused for bail i.e. for suspension of sentence. He is convicted for murder of his paramour. The entire case is based on circumstantial evidence i.e. recovery of Mangalsutra within 10 days from the date of the murder. That mangalsutra was broken. At least, at this stage, nothing is before us, as to

how the mangalsutra was identified, and particularly, how broken mangalsutra could be identified as that of the deceased. Learned APP also could not point out other circumstances. It is true that the trial Judge in paragraph 47 listed about 18 circumstances, but, the important amongst them is recovery of mangalsutra, and, therefore, in the circumstances, the accused be released on his P.R. bond of Rs.10,000/- with one solvent surety in the like amount. He will report to the Ajara Police Station in Kolhapur District, once in a month, till the Appeal is disposed of. Needless to say that the applicant - accused will not try to win over or tamper with the witnesses.

3. Application disposed of accordingly.

(D.G. DESHPANDE, J.)

(V.K. TAHILRAMANI, J.)